IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6269 OF 2006

Srikant G. Deshpande ...Petitioner

v/s

The Laxmi Co-op. Bank Ltd. and ors. ...Respondents

Mr I.M. Khairdi for Petitioner.

Mr P.M. Mengane for Respondent Nos.1 and 2.

Mr A.S. Palekar, A.G.P.for Respondent Nos.4 and 5.

CORAM : D.K. DESHMUKH J.

DATE : 6TH JULY 2007.

P.C. :-

1. Rule, returnable forthwith. Heard finally by consent of the parties.

2. In the course of recovery proceedings initiated, on the basis of recovery certificate granted against the petitioner, the pension account in a bank of the petitioner has been attached. It is a common ground that the entire amount lying in that account is the amount of pension received by the petitioner. The leaned counsel appearing for respondents also agree that the amount of pension cannot be attached by the Recovery Officer. In this view of the matter therefore, it is obvious that the Recovery Officer was not justified in writing to the Bank for attaching the pension account of he petitioner. The order impugned in the petition is set aside, however, in case according to the Recovery Officer the account of the petitioner in the Bank has other amount than pension and if according to the Recovery Officer, any portion thereof can be attached, the Recovery Officer shall be free to do so, but only after giving the petitioner an opportunity of being heard.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.